

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

ROBERT DONOFRIO,

Plaintiff,

v.

No. 23-cv-231-KG-JFR

SANDOVALCOUNTY DETENTION
CENTER,

Defendant.

ORDER OF DISMISSAL

This matter is before the Court sua sponte upon review of the docket.

Plaintiff Robert Donofrio commenced this case on March 17, 2023, by filing a letter stating that he wished to file a prisoner civil rights complaint against Sandoval County Detention Center. (Doc. 1). The Court mailed Plaintiff a blank civil rights complaint and a blank motion to proceed in forma pauperis and ordered him to file a proper complaint and prepay the \$402 filing fee or submit an *in forma pauperis* motion together with an inmate account statement by July 24, 2023. (Doc. 2). Plaintiff timely filed a proper complaint on July 12, 2023. (Doc. 3). He also timely filed an Application to Proceed *In Forma Pauperis*, which did not include an inmate account statement. (Doc. 4). Five days later, before the deadline expired, Plaintiff filed a motion requesting the Court to order Sandoval County Detention Center to provide him with an account statement because his requests for one had been unsuccessful. (Doc. 6). In an Order entered July 26, 2023, the Court advised Plaintiff that the Court could not to enter binding orders on Sandoval County Detention Center, which has not entered an appearance in this case, but concluding that Plaintiff had demonstrated good cause to extend the deadline for Plaintiff to submit an account statement. Noting that Plaintiff was then incarcerated in Lea County Correctional Facility (LCCF), the Court

advised Plaintiff that it would accept an account statement from LCCF to process the IFP Motion.

The Court set a sixty-day deadline for Plaintiff to submit his LCCF inmate account statement, reflecting transactions from the date of his arrival there. The extended, sixty-day deadline expired on September 25, 2023. Plaintiff did not comply with the order to submit an inmate account statement or request an additional extension. Nor has he shown cause for failing to do so. Accordingly, the Court will dismiss the Complaint under Fed. R. Civ. P. 41(b) for “failure to prosecute [and] comply with the ... court’s orders.” *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003).

IT IS THEREFORE HEREBY ORDERED that Plaintiff’s Prisoner’s Civil Rights Complaint (Doc. 3) is DISMISSED without prejudice. A final judgment will be entered herewith.


UNITED STATES DISTRICT JUDGE